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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Friday, February 10, 2012 at 3:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Second-Floor Conference Room A , Cannon Building
APPROVED:	March 22, 2012

MEMBERS PRESENT

Blair Jones, DMD, Professional Member, President
John Lenz, DDS, Professional Member, Secretary
Neil McAneny, DDS, Professional Member
Thomas Cox, DDS, Professional Member
Robert Director, DDS, Professional Member
Joan Madden, RDH, Professional Hygiene Member (left at 1:40)
Nathaniel Gibbs, Public Member (left at 1:40)
Debra Bruhl, RDH, Hygiene Advisory Member (left at 12:48)
Buffy Parker, RDH, Hygiene Advisory Member (left at 12:48)

MEMBERS ABSENT

Bonnie Thomas, RDH, Hygiene Advisory Member
Cheryl Calicott-Trawick, Public Member
Bernadette Evans, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Allison Reardon, Deputy Attorney General
Michele Howard, Administrative Specialist II

PUBLIC PRESENT

Mary Trinkle, RDH
Fay S. Rust, RDH
Nancy Brohawn, RDH
Libby Garey, RDH
Michael Keller
Teresa Davis

CALL TO ORDER

Dr. Jones called the meeting to order at 9:07 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the January 12, 2012 Board meeting. Mr. Gibbs made a motion, seconded by Dr. McAneny, to approve the minutes of the Board meeting as presented. The motion passed unanimously.

The Board reviewed the minutes of the January 12, 2012 Exam Committee meeting. Ms. Madden made a motion, seconded by Mr. Gibbs, to approve the minutes of the Exam Committee meeting as presented. The motion passed unanimously.

UNFINISHED BUSINESS

Sign Board Order - Public Rules & Regulations Hearing 1/12/12

Ms. Reardon distributed the final Board Order for signatures and advised that the changes will be published on 3/1/12 and effective 3/11/12.

Joint Sunset Committee Review

There were no updates from the Joint Sunset Committee.

Legislative Update from Ms. Reardon

Proposal to Change the Qualifications to Take Clinical Exams

Proposal Regarding Chaperoning Children During Exams(HB 456)

Ms. Reardon advised that the bills have been submitted to the Division of Professional Regulation.

Rules & Regulations

Patient Exams – Public Hearing 3/22/12

Ms. Reardon advised that a public hearing regarding Supervision has been scheduled for 3:15 p.m. on March 22, 2012.

Proof of Active Practice – Review Draft from Dr. Director

Practice Requirements for Dentists & Hygienists – Review Draft from Dr. Director

Dr. Director distributed a written comparison of Delaware law with the laws of Maryland, Pennsylvania, New Jersey, New York, and Wisconsin. After the Board reviewed the handout, Dr. Director summarized his recommendation. After discussion, Ms. Bruhl made a motion, seconded by Ms. Madden, to define active practice for hygienists applying for licensure through reciprocity as 350 hours per year in three of the last five years. The motion passed unanimously.

Dr. Director made a motion, seconded by Dr. Lenz, to define active practice for dentists applying for licensure through reciprocity as 1000 hours per year. After discussion, the motion remained at 1000 hours per year. The motion passed unanimously.

Dr. Director made a motion, seconded by Dr. McAneny, to have Ms. Reardon draft a bill to change the statute's requirements for dentist licensure by reciprocity from any 3 years, to 3 of the last 5 years. The motion passed unanimously.

Ms. Reardon recommended that the Regulation specify the types of documentation the Board will accept as proof of practice hours for both dentist and dental hygienist candidates. During discussion, Dr. Lenz suggested that dentist schedules may be used as proof of hours of active practice. Dr. Jones questioned whether administrative hours apply towards active practice. The Board unanimously agreed that only hours dedicated to direct patient care should apply to the active practice requirement. Ms. Reardon stated that hygienist candidates may have a dentist or employer verify the number of hours they have worked; however, dentists who are self employed may have difficulty proving hours of direct patient care. Dr. Director suggested that copies of schedules backed up by patient treatment notes may be used in questionable cases. Ms. Reardon advised that most professional boards will accept W-2s and tax returns as proof of active practice. Dr. McAneny suggested a sworn notarized statement from the candidate that they have worked the required number of hours. Ms. Reardon responded that the licensure application already provides for attestation of active practice. There was no motion on this item.

The Board took a break at 10:00 a.m. in order for examiners to meet with two exam candidates regarding their scores. Dr. Jones, Dr. Lenz, Dr. McAneny, Dr. Director, Dr. Cox and Ms. Howard met with Michael Keller in Conference Room C. Following Mr. Keller's meeting, Dr. Jones, Ms. Madden, Ms. Parker and Ms. Howard met with Teresa Davis in Conference Room C. The Board meeting reconvened at 11:06 a.m.

Re-Review of Applications for Licensure

Benjamin Gilbert III, Dental Licensure – PTD Hearing 3/22/12

Ms. Howard reminded the Board that they proposed to deny licensure for Dr. Gilbert at the January meeting. Mr. Gilbert requested a hearing in the matter, which has been scheduled for March 22, 2012, at 2:15 p.m. Dr. McAneny asked if Dr. Gilbert had submitted the requested documentation regarding his proof of active practice since the Board's last meeting. Ms. Howard advised that Dr. Gilbert had not submitted any additional documentation; however, with his written request for a hearing, he also requested that the Board respond to him in writing as to why the Board proposed to deny his license. Ms. Howard stated that the reason for the Board's proposal to deny licensure was stated in the correspondence mailed to Dr. Gilbert, and she advised Dr. Gilbert that the hearing scheduled in March would be his opportunity to correspond directly with the Board members regarding his application for licensure.

NEW BUSINESS

Ratification of Licenses/Permits Issued by DPR Since Last Board Meeting

Dentist

Erik Matthew Scheifele

Dental Hygienist

Caitlin M. Knieriem

Joanna M. Kolar

Jillyn Frances Kwiatkowski

Jennae Nicole Kruse

Ann Marie Schmidt

Restricted Permit I

Julie Quinn Nies

Dr. Director made a motion, seconded by Dr. Lenz, to ratify the dentist licensure of Erik Matthew Scheifele, the dental hygienist licensure of Caitlin M. Knieriem, Joanna M. Kolas, Jillyn Frances Kwiatkowski, Jennae Nicole Kruse, and Ann Marie Schmidt, and the Restricted Permit I of Julie Quinn Nies. The motion passed unanimously.

Restricted Permit II – None

Unrestricted Permit - None

Review of Applications for Licensure - None

Discussion of Compensation for Members of the Anesthesia Advisory Committee – Dr. Jones

Ms. Reardon advised that the Board's statute does not currently allow for compensation of committee members. After discussion, Dr. Director made a motion, seconded by Dr. McAneny, that the Board President contact the Director of the Division of Professional Regulation to inquire as to whether monetary funds are available for payment to members of the Anesthesia Advisory Committee for facility inspections. The motion passed unanimously.

Request from the American Academy of Dental Hygiene (AADH) for Board-Approval as a Continuing Education Provider

The Board reviewed the request from the American Academy of Dental Hygiene. Ms. Reardon read aloud Rule 6.9.4.1.8. After discussion, Dr. Director made a motion, seconded by Dr. Lenz, to accept the

AADH as a continuing education provider. The motion passed unanimously. Ms. Reardon advised Ms. Howard to present a complete list of Board-approved continuing education providers at an upcoming meeting, and recommended that the approved list be added to the Board's website.

Discussion of House Bill 47 – Dr. Jones

Discussion of House Bill 144 – Dr. Jones

Dr. Jones summarized House Bills 47 and 144 for the Board, and stated that he has spoken with Mary Peterson who is the Program Administrator of the Office of Health Facilities Licensing and Certification. Dr. Jones read aloud an email from Ms. Peterson. Ms. Reardon advised that the law has already passed; The proposed bill is for specific rules and regulations to implement the newly passed law. Dr. Jones recommended that the Board send a letter to Ms. Peterson and her committee. Dr. Jones stated that he would like to volunteer to be a member of Ms. Peterson's committee. He also recommended to Ms. Peterson that Dr. Ray Petrunich of the Board's Anesthesia Advisory Committee be considered as a member of the committee. Per Ms. Reardon's direction, Ms. Howard read aloud the definition of "invasive medical procedure" as stated in 16 Del.C. § 122(y)(3)(D). After further discussion, Dr. Director made a motion, seconded by Dr. McAneny, that the Board's representative at the committee meeting address the Board's concerns regarding attempting to have the effect of the regulations minimized for dental offices using only local anesthesia, topical, local or nitrous oxide analgesia, further clarifying the definition of analgesia, and to attempt to have the Board's Anesthesia Advisory Committee satisfy, to the greatest extent possible, the proposed regulations regarding the inspection of dental offices. After further discussion, the motion passed unanimously.

Report of Adverse (Anesthesia) Occurrence from Bear-Glasgow Dental

The Board reviewed the Adverse Occurrence Report from Bear-Glasgow Dental. Dr. McAneny made a motion, seconded by Dr. Jones, that Bear-Glasgow Dental has met the reporting requirement and no further investigation is warranted. The motion passed unanimously.

COMPLAINT STATUS

Complaint 09-03-10 (Lenz)

Dr. Jones reported that a disciplinary hearing has been scheduled for March 22, 2012 in the matter of Complaint 09-03-10.

Complaint 09-17-10 (Cox)

Dr. Jones reported that Complaint 09-17-10 has been closed by the Investigator.

CORRESPONDENCE

Response from the ADA re Request for Proposals for the Development of a Portfolio-Style Examination for Initial Licensure Purposes

The Board reviewed the letter from the ADA. There was no comment.

2012 National Dental Examiners' Advisory Forum, 4/23/12, Chicago, IL

The Board reviewed the documentation from the National Dental Examiners' Advisory Forum, and none of the Board members elected to attend the meeting. Dr. Jones summarized his experience at last year's meeting for the Board.

OTHER BUSINESS BEFORE THE BOARD (for discussion only) - None

PUBLIC COMMENT

Former Hygiene Advisory Member, Fay Rust, addressed the Board regarding continuing education credits for the current licensure period. Ms. Howard responded to Ms. Rust, explaining that licensees may earn continuing education credits from March 1, 2010 through May 31, 2012 for the current licensure period. For the following licensure period, continuing education must be earned from June 1, 2012 through May 31, 2014. Continuing education credits earned, but not submitted in any given

licensure period may NOT be carried over for credit in the following licensure period. Licensees will receive a paper reminder in the mail that the deadline to renew licenses is May 31, 2012, and that all renewals must be completed online; paper renewals are no longer accepted. During the online renewal process, licensees will be asked to attest that they have earned the required number of continuing education credits during the licensure period. In previous years, licensees have submitted continuing education logs and copies of their CPR cards at the time of renewal. Beginning with the 2012 renewal, licensees will NOT need to submit any paperwork to the Division unless they are randomly chosen for audit after the renewal. Dr. Lenz questioned, and Ms. Reardon responded, regarding the Board's realm of discipline pertaining to licensees who fail the continuing education audit.

Nancy Brohawn introduced herself as a former Advisory Committee Member and former Board Member. Ms. Brohawn questioned, and Ms. Howard responded, that the Division has a computer available in its lobby which may be used to access the Division's website and/or complete an online renewal. Ms. Brohawn stated that anesthesia permit applications are accompanied by a processing fee, and she suggested that the application processing fee be adjusted in order to compensate AAC members for their time during the facility inspection.

EXECUTIVE SESSION

Dr. Jones made a motion, seconded by Dr. McAneny, to go into Executive Session at 12:09 p.m. The motion passed unanimously. The Board went into Executive Session to discuss the following topics:

- 1) Review of Dental and Dental Hygiene Clinical Exam Revalidations by Temple University
- 2) Draft of Affidavit for Dental Exam Candidates & Patients – Ms. Reardon
- 3) Status of Online Jurisprudence Exams – Ms. Howard
- 4) Exam Calibration

Dr. Jones made a motion, seconded by Dr. Director, to come out of Executive Session at 12:46 p.m. The motion passed unanimously.

Dr. McAneny made a motion, seconded by Dr. Director, to accept Temple's recommendation that the hygiene perio exam eliminate medium and heavy classifications, and have all candidates do a full-mouth procedure, giving them adequate guidelines as to patient acceptability. The motion passed unanimously.

Dr. McAneny made a motion, seconded by Dr. Jones, to accept Temple's recommendations that the perio portion of the dental exam eliminate medium and heavy classifications, and have all candidates do a full-mouth procedure, giving them adequate guidelines as to patient acceptability. During discussion, Dr. Lenz stated that patient classification for dentist and hygiene exams should differ; dental patients should be more difficult than hygiene patients. Dental candidates should be scored on a half-mouth perio, and hygienists should be scored on a full-mouth perio. After further discussion, the motion passed unanimously.

Dr. Jones made a motion, seconded by Dr. McAneny, to go back into Executive Session at 1:00 p.m. The motion passed unanimously.

Dr. Jones made a motion, seconded by Dr. McAneny, to exit Executive Session at 3:53 p.m. The motion passed unanimously.

NEXT MEETING

The next Board meeting will be **Thursday, March 22, 2012, at 2:00 p.m. in second-floor Conference Room A** of the Cannon Building.

ADJOURNMENT

Dr. Jones made a motion, seconded by Dr. McAneny, to adjourn the meeting at 3:54 p.m. The motion to adjourn passed unanimously.

Respectfully Submitted,

A handwritten signature in black ink that reads "Michele Howard". The signature is written in a cursive, flowing style.

Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.